

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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|----------------------------|---|-------------------|
| JUSTAN DANIEL ADAMS, |) | |
| v. |) | 1:14-cv-00043-JAW |
| STATE OF MAINE, |) | |
| |) | |
| JUSTAN DANIEL ADAMS |) | |
| v. |) | 1:14-cv-00049-JAW |
| DENNIS TOWNSTEAD, et al., |) | |
| |) | |
| JUSTAN ADAMS, |) | |
| v. |) | 1:14-cv-00063-JAW |
| VALERIE BRAGG, |) | |
| |) | |
| JUSTAN ADAMS, |) | |
| v. |) | 1:14-cv-00064-JAW |
| STATE OF MAINE SOCIETY |) | |
| OFFICE, et al., |) | |
| |) | |
| JUSTAN DANIEL ADAMS, |) | |
| v. |) | 1:14-cv-00072-JAW |
| STATE OF MAINE CO WORKERS, |) | |
| et al., |) | |
| |) | |

**ORDER REJECTING THE RECOMMENDED DECISIONS OF THE
MAGISTRATE JUDGE**

Justan Daniel Adams, an inmate at the Maine State Prison, filed these civil actions, mostly under 42 U.S.C. § 1983, alleging a variety of constitutional torts. The Court relieves Mr. Adams of an initial procedural default, but cautions that it will not tolerate any further unjustified delays in responding to court orders.

Mr. Adams filed five complaints between February 3, 2014 and February 20, 2014.¹ However, he did not pay any of the required filing fees. Between February 5, 2014 and February 26, 2014, the Magistrate Judge issued a series of orders requiring Mr. Adams to pay the filing fees or file motions for leave to proceed in forma pauperis.²

Mr. Adams chose the latter course, filing motions for leave to proceed in forma pauperis.³ The Magistrate Judge granted these motions, on the condition that Mr. Adams make initial payments toward the filing fees as funds become available and indicate his intention to proceed with each case no later than dates between, variously, March 26, 2014 and April 7, 2014.⁴ Mr. Adams failed to notify the Court of his intent to proceed and incur the cost of the filing fee, or pay any of the required

¹ *Compl.* (ECF No. 1), *Adams v. Maine*, No. 1:14-cv-00043-JAW (Feb. 3, 2014); *Compl.* (ECF No. 1), *Adams v. Townstead*, No. 1:14-cv-00049-JAW (Feb. 6, 2014); *Compl.* (ECF No. 1), *Adams v. Bragg*, No. 1:14-cv-00063-JAW (Feb. 18, 2014); *Compl.* (ECF No. 1), *Adams v. Bragg*, No. 1:14-cv-00064-JAW (Feb. 18, 2014); *Compl.* (ECF No. 1), *Adams v. State of Maine Co Workers*, No. 1:14-cv-00072-JAW (Feb. 20, 2014).

² *Order* (ECF No. 2), *Adams v. Maine*, No. 1:14-cv-00043-JAW (Feb. 5, 2014); *Order* (ECF No. 2), *Adams v. Townstead*, No. 1:14-cv-00049-JAW (Feb. 7, 2014); *Order* (ECF No. 2) *Adams v. Bragg*, No. 1:14-cv-00063-JAW (Feb. 26, 2014); *Order* (ECF No. 2) *Adams v. Bragg*, No. 1:14-cv-00064-JAW (Feb. 26, 2014); *Order* (ECF No. 3) *Adams v. State of Maine Co Workers*, No. 1:14-cv-00072-JAW (Feb. 26, 2014).

³ *Application to Proceed Without Prepayment of Fees and Aff.* (ECF No. 6), *Adams v. Maine*, No. 1:14-cv-00043-JAW (Mar. 3, 2014); *Application to Proceed Without Prepayment of Fees and Aff.* (ECF No. 4), *Adams v. Townstead*, No. 1:14-cv-00049-JAW (Mar. 3, 2014); *Application to Proceed Without Prepayment of Fees and Aff.* (ECF No. 4), *Adams v. Bragg*, No. 1:14-cv-00063-JAW (Mar. 3, 2014); *Application to Proceed Without Prepayment of Fees and Aff.* (ECF No. 4), *Adams v. Bragg*, No. 1:14-cv-00064-JAW (Mar. 3, 2014); *Application to Proceed Without Prepayment of Fees and Aff.* (ECF No. 5), *Adams v. Bragg*, No. 1:14-cv-00072-JAW (Mar. 3, 2014); *Application to Proceed Without Prepayment of Fees and Aff.* (ECF No. 5), *Adams v. State of Maine Co Workers*, No. 1:14-cv-00072-JAW (Mar. 3, 2014).

⁴ *Order Granting Leave to Proceed In Forma Pauperis* (ECF No. 7), *Adams v. Maine*, No. 1:14-cv-00043-JAW (Mar. 5, 2014); *Order Granting Leave to Proceed In Forma Pauperis* (ECF No. 5), *Adams v. Townstead*, No. 1:14-cv-00049-JAW (Mar. 5, 2014); *Order Granting Leave to Proceed In Forma Pauperis* (ECF No. 5), *Adams v. Bragg*, No. 1:14-cv-00063-JAW (Mar. 5, 2014); *Order Granting Leave to Proceed In Forma Pauperis* (ECF No. 5), *Adams v. Bragg*, No. 1:14-cv-00064-JAW (Mar. 5, 2014); *Order Granting Leave to Proceed In Forma Pauperis* (ECF No. 8), *Adams v. State of Maine Co Workers*, No. 1:14-cv-00072-JAW (Mar. 17, 2014).

amounts or otherwise comply with the Magistrate Judge's order by the deadline. The Magistrate Judge duly issued a series of Recommended Decisions, recommending that the cases be dismissed for failure to prosecute.⁵

Mr. Adams objected to all of the Recommended Decisions collectively in a letter received by the clerk's office on April 17, 2014. *Letter* (ECF No. 9), *Adams v. Maine*, 1:14-cv-00043-JAW. His letter stated, in its entirety:

To: Judge to whom it concerns I have resived the letter statement about the concerns that there should be a dismisal on the stat me us state co workers I would have written the courts about my undrstandn of going on with the case but when I got the st letter informing me to file the forma paupris and waive fee affidavit I did not see anything on written to proceed with the case this case is very Dear to me along with other case's I would very much like to proceed in forma papuris and continue with everything sorry it took so long I just resived the letter statement not to long ago the mail can sometime be held. Can you please send me a copy of all the case numbers again thank you

Id. (spelling in original).

The Court is wary of dismissing a prisoner civil rights case merely because of a delay in the plaintiff prisoner receiving his mail, particularly where the Complaint alleges constitutional violations. Because Mr. Adams has now indicated that he wishes to proceed with the cases, the Court will forgive his procedural default for the time being.

Nevertheless, the Magistrate Judge's prior orders are still effective and Mr. Adams must obey them. Specifically, Mr. Adams must write the Court on each of the

⁵ Recommended Decision (ECF No. 8), *Adams v. Maine*, No. 1:14-cv-00043-JAW (Mar. 31, 2014); Recommended Decision (ECF No. 6), *Adams v. Townstead*, No. 1:14-cv-00043-JAW (Mar. 31, 2014); Recommended Decision (ECF No. 6), *Adams v. Bragg*, No. 1:14-cv-00063-JAW (Mar. 31, 2014); Recommended Decision (ECF No. 7), *Adams v. Bragg*, No. 1:14-cv-00064-JAW (Mar. 31, 2014); Recommended Decision (ECF No. 9), *Adams v. State of Maine Co Workers*, No. 1:14-cv-00072-JAW (Apr. 8, 2014),

docketed cases and affirm not only his desire to proceed with these cases, but also agree to pay the filing fees as funds become available. Mr. Adams must fully comply with the Magistrate Judge's previous orders within two weeks of the date of this order or properly move for an extension of time. Mr. Adams should be aware that the Court requires speedy responses and filings. If he is required to file something, he must not delay in the filing. An unjustified delay may cause problems with his lawsuits, even dismissal of his claims.

The Court also draws Mr. Adams' attention to the Magistrate Judge's orders of February 28, 2014, directing Mr. Adams to place the correct caption and docket number at the head of all future filings. Mr. Adams' objection to the Recommended Decisions did not comply with this requirement. If Mr. Adams is going to litigate a civil case in the federal courts, he must follow the same procedural rules as everyone else, including other pro se plaintiffs.

The Court REJECTS:

- 1) the Magistrate Judge's Recommended Decision (ECF No. 8), 1:14-cv-00043-JAW;
- 2) the Magistrate Judge's Recommended Decision (ECF No. 6), 1:14-cv-00049-JAW;
- 3) the Magistrate Judge's Recommended Decision (ECF No. 6), 1:14-cv-00063-JAW;
- 4) the Magistrate Judge's Recommended Decision (ECF No. 7), 1:14-cv-00064-JAW; and
- 5) the Magistrate Judge's Recommended Decision (ECF No. 9), 1:14-cv-00072-JAW.

The Court further ORDERS that Mr. Adams comply with the Magistrate Judge's previous Orders granting the motions to proceed in forma pauperis—by

mailing a letter to the Court indicating his intention to proceed and agreement to pay the filing fees as funds become available—within fourteen days of this Order.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 21st day of April, 2014